

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re: BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

KOCH INDUSTRIES, INC., as successor in  
interest to Koch Investment (UK) Company,

Defendant.

Adv. Pro. No. 12-01047 (CGM)

**STIPULATION AND ORDER TO WAIVE ARGUMENT**

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701-784, and Defendant Koch Industries, Inc.

(“Defendant,” and with the Trustee, the “Parties”), by and through their respective and undersigned counsel, stipulate and agree as follows:

**WHEREAS**, on July 22, 2022, Defendant filed a motion to dismiss the Trustee’s complaint (the “Motion”) [ECF No. 105], including a supporting memorandum of law [ECF No. 106] and the Declaration of Jonathan P. Guy [ECF No. 107]; on September 30, 2022, the Trustee filed an Opposition to Defendant’s Motion [ECF No. 110] (the “Opposition”); and Defendant’s deadline to file a reply in further support of its Motion is November 11, 2022 (the “Reply”, and together with the Motion and Opposition, the “Briefing”);

**WHEREAS**, the Court scheduled a hearing to consider the Motion on November 16, 2022 at 10:00 am; and

**WHEREAS**, the Parties have conferred and agreed to rest on their papers and waive oral argument on the Motion.

**IT IS HEREBY STIPULATED AND AGREED**, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 am on November 16, 2022, to consider the Motion is hereby cancelled and removed from the Court’s calendar.
2. The Parties request that the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and their entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: November 9, 2022  
New York, New York

By: /s/ Eric R. Fish

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SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC, and the  
Chapter 7 Estate of Bernard L. Madoff*

By: /s/ Jonathan Guy

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*Attorneys for Defendant Koch Industries,  
Inc.*

**Dated: November 9, 2022**  
**Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris**  
**U.S. Bankruptcy Judge**